

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**RONNIE MONTGOMERY**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 3:20 -CV-00299-MPM-JMV**

**LOUIS DEJOY, IN HIS CAPACITY AS UNITED  
STATES POSTMASTER GENERAL, et al**

**DEFENDANTS**

**ORDER**

Plaintiff has filed a motion to dismiss his complaint without prejudice, and, since he has not properly served defendants to date, there is no response in opposition to that motion. This court will grant plaintiff's motion, but it declines his request to expressly grant him permission to re-file his complaint within sixty days of a ruling by the Merit Systems Protection Board ("MSPB"). This court offers no opinion as to the time frame in which plaintiff might re-file this action or whether it should be considered properly filed if he chooses to do so, since this is a matter to be resolved by the court which considers any such re-filed action. With this caveat, plaintiff's motion to dismiss will be granted.

It is therefore ordered that plaintiff's motion to voluntarily dismiss his complaint without prejudice is granted.

A separate judgment will be entered this date, pursuant to Fed. R. Civ. P. 58.

So ordered, this, the 27<sup>th</sup> day of April, 2022.

/s/ Michael P. Mills  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF MISSISSIPPI